

**UNITED STATES PATENT AND TRADEMARK
OFFICE**
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: October 21, 2005

Opposition No. 91163556

Target Brands, Inc.

v.

Shaun N.G. Hughes

Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:

This proceeding now comes up on the following motions:
applicant's motion (filed July 7, 2005) for entry of a
protective order; opposer's cross-motion (filed July 27,
2005) for a protective order; opposer's consented motion
(filed September 12, 2005) for an extension of discovery by
sixty (60) days beyond the date that the Board decides on the
protective order motions; and applicant's motion (filed
September 28, 2005) to strike opposer's supplemental
declaration of Stephen Lee, Esq..

On October 20, 2005, at 3:00 pm eastern time, the Board
convened a telephone conference between Michael Norwick,
Esq., counsel for opposer, and James Uhler, counsel for
applicant, and the above-referenced Board attorney
responsible for resolving interlocutory matters in this case.

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Essentially, the issue raised by way of the motions for a protective order is whether opposer's in-house counsel should have access to documents designated as "confidential - attorneys' eyes only."¹ Specifically, applicant argues that opposer's in-house counsel should not be allowed access to said documents. Opposer argues that there is no basis to exclude in-house counsel from having access to these documents. Although opposer argues that all in-house counsel should have access to these documents, it has identified Stephen C. Lee as the in-house counsel responsible for trademark matters.²

The Board has reviewed the parties' arguments and submissions. Applicant's motion for a protective order is denied and opposer's motion for a protective order is granted only to the extent that opposer's in-house trademark counsel, Mr. Lee, may have access to documents designated as "confidential - attorneys' eyes only." The parties were informed of this decision during the telephone conference. Furthermore, the parties are directed to enter into a protective order in accordance with this order and to file a stipulated copy with the Board within twenty (20) days from the mailing date of this order.

¹ This designation appears in the proposed protective order submitted by opposer as "Exhibit A" with its July 27, 2005 cross motion for a protective order. Opposer characterizes this protective order as being agreed to by both parties except for the issue concerning in-house counsel.

² Opposer filed a supplemental communication containing a declaration of Stephen C. Lee, Esq., wherein Mr. Lee avers that he has replaced Toni Demski-Brandl, esq., as opposer's in-house counsel responsible for trademark matters. Because this communication merely clarifies opposer's previous communications that identified Ms. Demski-Brandl as the trademark in-house counsel, the supplement filing is accepted and applicant's motion to strike is denied.

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Opposer's consented motion to extend the discovery deadline for sixty (60) days from the mailing date of this order is granted to the extent that the discovery deadline and trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE: 12/27/2005

Thirty (30) day testimony period for party in position of plaintiff to close: **3/27/2006**

Thirty (30) day testimony period for party in position of defendant to close: **5/26/2006**

Fifteen (15) day rebuttal testimony period to close: **7/10/2006**

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